

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>BOBBY SINGLETON, <i>et al.</i>,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>WES ALLEN, <i>et al.</i></b>	)	No.: 2:21-cv-01291-AMM
	)	
<b>Defendants.</b>	)	

---

<b>EVAN MILLIGAN, <i>et al.</i>,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>WES ALLEN, <i>et al.</i></b>	)	No.: 2:21-cv-01530-AMM
	)	
<b>Defendants.</b>	)	

---

<b>MARCUS CASTER, <i>et al.</i>,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>WES ALLEN, <i>et al.</i></b>	)	No.: 2:21-cv-01536-AMM
	)	
<b>Defendants.</b>	)	

---

**SINGLETON PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION  
FOR CLARIFICATION**

The Defendants have asked the Court to clarify its order regarding the scope of the upcoming hearing in *Caster* and *Milligan*, and the Court has directed all Plaintiffs to respond. Because the *Singleton* Plaintiffs have not asserted a claim

under the Voting Rights Act, they take no position on the scope of evidence the parties should be permitted to offer during the *Caster* and *Milligan* hearing.

The *Singleton* Plaintiffs note that the Defendants’ motion (incorrectly) contends that the 2023 Plan is lawful because it remedies “the cracking at the heart of” the *Caster* and *Milligan* Plaintiffs’ challenge to the 2021 Plan.” Doc. No. 156 at 4–5 (internal quotation marks omitted). To that end, the Defendants propose to show that the 2023 Plan “respect[s] majority-Black communities of interest like the Black Belt and Montgomery County, while also maintaining longstanding communities of interest in the Gulf and Wiregrass.” *Id.* at 5 (citations and internal quotation marks omitted). On that score, the *Singleton* Plaintiffs’ proposed plans, which Senators Singleton and Smitherman submitted but the Legislature rejected, perform materially better than the 2023 Plan. The 2023 Plan divides the eighteen core Black Belt counties evenly between Districts 2 and 7, while Senator Singleton’s plan keeps sixteen of the eighteen counties in a single district. Ex. 1. Moreover, the Singleton plan does not split Jefferson County – arguably the most important Alabama community of interest. Assuming *arguendo* that Montgomery County, the Gulf, and the Wiregrass are communities of interest, the Singleton Plan keeps each of these three communities of interest within single districts as well. And unlike the 2023 Plan, it uses race-neutral lines and complies with the Voting Rights Act by providing two opportunity districts. Doc. No. 147 at 14–18. Therefore, the Singleton Plan, and

not the 2023 Plan, complies with the Supreme Court's directive in *Cooper v. Harris*, 581 U.S. 285 (2017), that race-based district lines are impermissible unless the legislature or court cannot avoid a violation of Section 2 without them. *Id.* at 17–18. The Singleton Plaintiffs are prepared to support their position with evidence at the scheduled hearing on the merits of their claim that the 2023 Plan is an unconstitutional racial gerrymander.

Dated: August 4, 2023

Respectfully submitted,

/s/ Henry C. Quillen

Henry C. Quillen  
(admitted *pro hac vice*)  
WHATLEY KALLAS, LLP  
159 Middle Street, Suite 2C  
Portsmouth, NH 03801  
Tel: (603) 294-1591  
Fax: (800) 922-4851  
Email: [hquillen@whatleykallas.com](mailto:hquillen@whatleykallas.com)

Joe R. Whatley, Jr.  
W. Tucker Brown  
WHATLEY KALLAS, LLP  
2001 Park Place North  
1000 Park Place Tower  
Birmingham, AL 35203  
Tel: (205) 488-1200  
Fax: (800) 922-4851  
Email: [jwhatley@whatleykallas.com](mailto:jwhatley@whatleykallas.com)  
[tbrown@whatleykallas.com](mailto:tbrown@whatleykallas.com)

/s/ James Uriah Blacksher

James Uriah Blacksher  
825 Linwood Road  
Birmingham, AL 35222  
Tel: (205) 612-3752

Fax: (866) 845-4395  
Email: [jublacksher@gmail.com](mailto:jublacksher@gmail.com)

Myron Cordell Penn  
PENN & SEABORN, LLC  
1971 Berry Chase Place  
Montgomery, AL 36117  
Tel: (334) 219-9771  
Email: [myronpenn28@hotmail.com](mailto:myronpenn28@hotmail.com)

Diandra “Fu” Debrosse Zimmermann  
Eli Hare  
DICELLO LEVITT GUTZLER  
420 20th Street North, Suite 2525  
Birmingham, AL 35203  
Tel.: (205) 855.5700  
Email: [fu@dicellolevitt.com](mailto:fu@dicellolevitt.com)  
[ehare@dicellolevitt.com](mailto:ehare@dicellolevitt.com)

U.W. Clemon  
U.W. Clemon, LLC  
Renasant Bank Building  
2001 Park Place North, Tenth Floor  
Birmingham, AL 35203  
Tel.: (205) 506-4524  
Fax: (205) 538-5500  
Email: [uwclemon1@gmail.com](mailto:uwclemon1@gmail.com)

Edward Still  
2501 Cobblestone Way  
Birmingham, AL 35226  
Tel: (205) 335-9652  
Fax: (205) 320-2882  
Email: [edwardstill@gmail.com](mailto:edwardstill@gmail.com)

***Counsel for Singleton Plaintiffs***